IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 10.04.2007

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM

and

The Hon'ble Mr. Justice S.TAMILVANAN

Writ Petition No.9035 of 2007

& M.P.No.1 of 2007

K.M.Kursheed Banu
W/o B.Khader Mohideen,
No.8/4, Vellaiyam Road, 1st floor,
Kotturpuram, Chennai-600 085. .. Petitioner

Vs.

1.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maligai,
Egmore, Chennai-600 008.

2.The Commissioner,
Corporation of Chennai,
Park Town, Chennai-600 003.

3.The Executive Engineer,
Zone V, Corporation of Chennai,
Zonal office, 183, EVR Periyar Road,
Chennai-600 010.

4.Zahir Hussain .. Respondents

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Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing respondents 1 to 3 to consider and take action on the representation dated 05.03.2007 issued by the petitioner through her lawyer and stop the illegal construction work carried on by the fourth respondent at premises No.4, Orphan School Road (Convent Nagar), Shenoy Nagar, Chennai-600 030 and remove the same.

For Petitioner : Mr.S.A.Hafiz
For 1st Respondent : Mr.J.Ravindran
For respondents 2 & 3 : Mr.A.Mohamed Ghouse
For 4th respondent : No appearance

ORDER

(Order of the Court was delivered by P. SATHASIVAM, J.)

The petitioner has approached this Court to issue a Writ of Mandamus directing respondents 1 to 3 to consider and take action on the representation dated 05.03.2007 and stop the illegal construction carried on by the fourth respondent at premises No.4, Orphan School Road (Convent Nagar), Shenoy Nagar, Chennai-600 030, and remove the same.

2. Pursuant to the direction of this Court, the Assistant Executive Engineer, Division 69, Unit 14, Zone V of Corporation of Chennai, has filed a report dated 23.03.2007, wherein it is stated that the fourth respondent has started construction of the first floor over the existing ground floor at Plot No.4, Orphan School Road, Shenoy Nagar, Chennai-600 030, without obtaining necessary planning and building permission from the competent authority. Therefore, the Corporation of Chennai issued notice under Section 236 of Chennai City Municipal Corporation Act, 1919 (hereinafter referred to as "the Act") and served on the fourth respondent on 14.03.2007, requiring him to stop the unauthorised construction of the first floor over the existing ground floor. The report further shows that after receipt of the said notice, the fourth respondent had stopped the unauthorised construction of the building. The Officer has further stated that if the fourth respondent proceeds further with the unauthorised construction of the building, further action will be taken as per the provisions of the Act.

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3. The above statement of the Assistant Executive Engineer, Division 69, Unit 14, Zone V of Corporation of Chennai, is hereby recorded. In view of the fact that the authority concerned has already initiated action, no further adjudication is required in this petition. Accordingly, the writ petition is closed. No costs. Consequently, M.P.No.1 of 2007 is also closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

raa

To

1.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maligai,
Egmore, Chennai-600 008.

2.The Commissioner,
Corporation of Chennai,
Park Town, Chennai-600 003.

3.The Executive Engineer,
Zone V, Corporation of Chennai,
Zonal office, 183, EVR Periyar Road,
Chennai-600 010.

1 cc to Mr.J. Ravindran, Advocate, sr. 23840
1 cc to Ms.S. Jothivani, Advocate, Sr. 23227
1 cc to Mr.A. Mohammed Ghouse, Advocate, sr. 23109
1 cc to Mr.S.A. Hajiz, Advocate, sr. 22603

W.P.No.9035 of 2007

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